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March 13, 2023

Magistrate Judge Peggy Kuo
United States District Court
Eastern District of New York
225 Cadman Plaza East
Courtroom 11C South
Brooklyn, New York 11201

Re: Falls Lake v. Kalnitech Construction Corp. et. al.
Docket No: 1:22-cv-01473-KAM-PK
Our File No: 19-208

Dear Judge Kuo,

I represent the plaintiff, Falls Lake National Insurance Company ("Falls Lake"), in this action, and I write today, with consent of all parties except Jonathan Dachs, counsel for Stalin Rodrigo Reyes Espinoza, to ask for an extension of the deadline for completion of discovery to April 17, 2023. We anticipate that Mr. Dachs will consent but, we have been unable to get in contact with him. The present deadline is this March 15, 2023. (ECF No. 43). This is the parties second request for an extension. Pursuant to Your Honor's rules, enclosed is a revised Discovery Plan/Scheduling Order.

The parties have exchanged some documents but have not completed document discovery, although what remains we expect to complete in 30 days. We have not conducted depositions in this action separate from the underlying action and the parties will rely on depositions in the underlying action. In particular, the plaintiff has not received discovery

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responses from the defendant Kalnitech Construction Corp., and it is also waiting on the production of contracts, agreements, invoices, and work proposals relevant to the work in the Underlying Action from all parties.

Currently, both the deadline to participate in mediation and the deadline to file a joint status report certifying the close of all discovery is April 17, 2023. The deadline to request a pre-motion conference in advance of a dispositive motion is April 28, 2023. The parties have discussed mediation but, mediation will only be fruitful if it involves the parties from the Underlying Action. Accordingly, the parties are reaching out to counsel in the Underlying Action to determine if mediation is warranted. As to all deadlines, the parties seek an additional 30 days in order to resolve all outstanding discovery disputes.

Accordingly, we request that the court grant a 30 day requested extension for the parties to complete discovery. Thereafter, the parties will notify the Court as to each sides' intent to file a motion for summary judgment, request a pre-motion conference and/or submit a briefing schedule.

Respectfully submitted,
MIRANDA SLONE SKLARIN VERVENIOTIS LLP

/S/ Steven Verveniotes
Steven Verveniotes

Enclosed: Revised Proposed Discovery Plan/Scheduling Order

cc: All Counsel Via ECF

PROPOSED DISCOVERY PLAN/SCHEDULING ORDER

	DONE	NOT APPLICABLE	DATE
A. ACTIONS REQUIRED BEFORE THE INITIAL CONFERENCE			
1. Rule 26(f) Conference held			January 17, 2023
2. Rule 26(a)(1) disclosures exchanged			January 30, 2023
3. Requested:			
a. Medical records authorization		X	
b. Section 160.50 releases for arrest records		X	
c. Identification of John Doe/Jane Doe defendants		X	
4. Procedures for producing Electronically Stored Information (ESI) discussed		X	
5. Confidentiality Order to be submitted for court approval (see Standing Confidentiality Order on the Chambers website)		X	
B. SETTLEMENT PLAN			
1. Plaintiff to make settlement demand			February 15, 2023
2. Defendant to make settlement offer			April 17, 2023
3. Referral to EDNY mediation program pursuant to Local Rule 83.8? (If yes, enter date for mediation to be completed)			May 17, 2023
4. Settlement Conference (proposed date)			May 17, 2023
C. PROPOSED DEADLINES			
1. Motion to join new parties or amend pleadings		X	
2. Initial documents requests and interrogatories			January 17, 2023
3. All fact discovery to be completed (including disclosure of medical records)			April 17, 2023
4. Joint status report certifying close of fact discovery and indicating whether expert discovery is needed			May 17, 2023

5. Expert discovery (only if needed)		<i>Check here if not applicable</i>	
Plaintiff expert proposed field(s) of expertise:	N/A		
Defendant expert proposed field(s) of expertise:	N/A		
	DONE	NOT APPLICABLE	DATE
a. Affirmative expert reports due		X	
b. Rebuttal expert reports due		X	
c. Depositions of experts to be completed		X	
6. Completion of ALL DISCOVERY (if different from C.3)			May 16, 2023
7. Joint status report certifying close of ALL DISCOVERY and indicating whether dispositive motion is anticipated			May 30, 2023
8. If any party seeks a dispositive motion , date to (a) file request for pre-motion conference (if required), or (b) file briefing schedule for the motion			May 30, 2023
9. Proposed Joint Pre-Trial Order due (if no dispositive motion filed)			May 30, 2023
D. CONSENT TO MAGISTRATE JUDGE JURISDICTION			
1. All parties consent to Magistrate Judge jurisdiction for dispositive motion?			Yes No X
2. All parties consent to Magistrate Judge jurisdiction for trial?			Yes No X
E. COLLECTIVE ACTION AND CLASS ACTION MOTIONS ONLY			
1. Motion for collective action certification in FLSA cases			N/A
a. Response due			
b. Reply due			
2. Motion for Rule 23 class certification			
a. Response due			
b. Reply due			

This Scheduling Order may be altered or amended only upon a showing of good cause based on circumstances not foreseeable as of the date of this order.

SO ORDERED:

PEGGY KUO

United States Magistrate Judge

Date